

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

GASUMU KAMARA,

Petitioner, : Case No. 2:21-cv-2029

- vs -

Chief Judge Algenon L. Marbley
Magistrate Judge Michael R. Merz

WARDEN,
London Correctional Institution,

:
Respondent.

DECISION AND ORDER

This habeas corpus case is before the Court on Petitioner's Motion for Status and Extension of Time and to Disregard, in Part, Earlier Filing (ECF No. 18, filed at 6:18 PM on September 21, 2021).

On September 20, 2021, the Magistrate Judge granted Petitioner's request to withdraw his second Motion to Amend (Notation Order, ECF No. 16). Thus it is too late for the Court to disregard Petitioner's withdrawal of that Motion.

However, on September 21, 2021, the Magistrate Judge also entered an Order recognizing that Petitioner's first Motion to Amend was essentially exercising Petitioner's right to amend without permission from the Court or the opposing party since the Return of Writ had not yet been filed (ECF No. 17). The same Order renumbered the pending Grounds for Relief from one to eleven and stayed these proceedings until Petitioner's current pending delayed appeal in the Third District Court of Appeals and any further proceedings in the Supreme Court of Ohio. As Petitioner

will see when he receives his copy of that Order, the Court has provided for further proceedings once the stay is lifted. This renders moot the request for extension of time in the pending Motion.

A litigant in federal court is only entitled to amend once as a matter of right. If Petitioner now wishes to amend further, he must move the Court for leave to amend. In doing so, he must label any new proposed grounds for relief as Grounds Twelve, Thirteen, and so forth, maintaining the sequence established in the Order granting the stay. If Petitioner wishes to add new grounds, he should move for leave to do so promptly, because the statute of limitations continues to run and delay in general can be a reason for denying a motion to amend.

Petitioner will note that the Magistrate Judge reference in this case has been transferred to the undersigned and should amend that caption of his filings accordingly.

September 22, 2021.

s/ *Michael R. Merz*
United States Magistrate Judge